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Z*NET ATARI INTERNATIONAL ONLINE MAGAZINE

December 29, 1990

Issue #551

Publisher/Editor : Ron Kovacs

Z*Net USA: John Nagy

Z*Net New Zealand: Jon Clarke

Z*Net Canada: Terry Schreiber

Z*Net Germany: Mike Schuetz

EDITORS DESK

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by Ron Kovacs

Just a couple of days till then end of the year and we wish everyone a Happy and Prosperous 1991. The first issue of 1991 will be released on Saturday, January 5, 1991.

This has been an interesting year and is filled with many good and bad memories. We hope to see better communication and support in 1991 not only from Atari but from it's user base. The negative commentaries consistently discussed by many Atari users should turn into constructive positive commentary. Let's help bring more users to the community and show everyone we own an excellent computer that can out perform the others currently available at the same price.

Don't swallow everything you read in any Atari publication as gospel statements. Check and ask questions to be sure what you are reading is accurate. We all make mistakes from time to time, no matter what publication it is and false information is far worse then the accurate true story. When you think something we printed or others have published might be wrong, ask that question and challenge the writer. Don't let up until you are satisfied you have an understanding of the story.

After reviewing a few publications over the last three months, I find we are being presented with many opinions and commentaries, reviews that are not fully reviews, opinions that are unknown to the average reader, stories not followed up and commentaries used to destroy character. Z*Net and ZMagazine has tried to progress in all areas and will continue to do so in 1991, all we ask is that you read everything available and make up your own minds on what is fact and fiction. You have the ability to insure the news you read is true, that the reviews you read are fair and the commentaries you read are indeed presented fairly.

The best way to change what you read is respond to the editors of all the publications online or hardcopy. To be sure your voice is heard, carbon copy other publications about the stories you read, they will comment through the mail or email areas.

Our goal is to provide the Atari user the real news without our comments used as fact. Best to all in 1991.

1990 - THE YEAR OF ATARI IN REVIEW

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by John Nagy

(Original for ST Journal Magazine, presented with additional material for Z*NET)

CONCLUSION (Part 1 appeared last week in Z*NET)

1990... was it the year of Atari? It was a year filled with hope and with disappointment. It was a year of promises and some fulfillment. Let's continue our look at the highlights and the lowlights together.

I've focussed on Atari and added only a few major third-party announcements. While I know some folks will feel slighted by being omitted, sorry. I'll be blaming it on the editor. (Grin!)

JULY 1990:

Dealer information from New Zealand and the Netherlands indicate that the Atari TT030 machine is being redesigned to be 32 Mhz rather than the 16 Mhz as announced. Atari USA and Atari Corp both deny the story.

Atari USA is said to be looking at relocation sites in BOSTON as a place to move to from Sunnyvale, CA. Incoming manager Elie Kenan is being offered a free hand by the Tramiels, and is thought to be looking for a way to separate Atari USA and Atari Corp, now both based out of the same Sunnyvale building.

Additional layoffs occur at the line level at Atari, fueling relocation rumors.

A replacement for the SLM804 Atari laser printer is expected shortly. It will be essentially a standard Epson unit, customized for Atari. The old SLM804 unit can no longer be obtained from the manufacturer.

The STe is troubled by recurring reports of loss of data when used with a hard drive. Some stores test and find their entire shipments will not operate with hard drives. Atari denies that it is a systematic or design problem, but agree to replace any units found to be inoperative regardless of age or having been opened for inspection.

A fraudulent FAX message purporting to be from Bob Brodie is received by MICHTRON and GADGETS BY SMALL, urging them to join a "boycott" of the WOA shows. Meanwhile, Atari reverses its decision and agrees to provide equipment as possible for the August WOA in San Jose.

AUGUST 1990:

San Jose WOA succeeds with a small but happy turnout of 1,500 people. Many Atari officials attend, including Sam and Leonard Tramiel and Elie Kenan. Atari supplies free equipment, but WOA refuses to participate in its safe return. Bob Brodie personally picks up the equipment and overhears promoter Richard Tsukiji discussing his plans to "have Brodie fired" from Atari.

Second quarter net income for Atari: \$1.5 million.

Charles Cherry resigns from Atari. Developer projects are left partially on hold, and SoftSource is stalled while many developers ask for extensions of time to get the required submissions. Meanwhile, other developers complain that they got their materials to Atari on schedule and don't want the project delayed.

START MAGAZINE announces that they will skip their September issue, then join with ANTIC into a single, larger publication for October 1990 in a major redesign and rededication of the magazine.

Gordon Monnier of Michtron confirms that he has his company for sale. George Miller, Michtron's #2 man, leaves to join ABACUS, a book and software house in Michigan.

B. N. GENIUS, an upscale gadget store with a major mail order following, features the Portfolio on the cover of their national catalog. Atari dealers are concerned about losing business.

Atari attends GENCON in Milwaukee and provides major equipment and floor presence. About 10,000 visitors witness Atari as a major "player" in the gaming convention.

Frank Foster resigns from Atari in a mutual decision that leaves Atari without a leader of its MIDI support section.

42,000 (Yes, FORTY-TWO-THOUSAND) visitors attend an all-Atari show in Duesseldorf, Germany. The TT and ATW are major features, and developers from all over the world convene to maximize their sales potential.

Hong Kong's largest English magazine, the "NEW STRAITS TIMES", conducted a reader survey and 41.8% of the votes declared the Atari ST to be their choice for "Computer of the Decade". Second place went to the Commodore Amiga with only 5.2%, third was the Macintosh with 5.1%, tied with the IBM.

SEPTEMBER 1990:

Glendale has the largest Atari Show ever in the US measured by number of vendors, but turnout is a somewhat disappointing 2,500. The user-group show is supported by over \$20,000 of advertising by Atari Corp, extensive equipment supplies, and a full house of Atari executives and employees visiting and hosting the Atari area of the floor. Leonard Tramiel personally participates in two seminars. New Manager of Atari USA, Canada, and France Elie Kenan meets and shares his plans for Atari in private meetings with each developer during the show and gets a unanimous if cautious "thumbs up" from them.

Atari formally announces new specs for the TT030 - it will be 32 Mhz after all, despite the denials, and will feature a new GEM desktop that looks similar to Gribnif's NEODESK 2 but is not related to it.

After a multi-party investigation, Richard Tsukiji is forced to admit in writing that the fraudulent FAX message that defamed WOA and ST World Magazine in Bob Brodie's name did in fact come from his own office at ST WORLD. Tsukiji adds it was sent by persons unknown at a time when he himself was out of the country. Dave Small resigns from ST WORLD staff in protest. ST WORLD magazine is announced to have been sold in mid summer to its staff for the sum of \$1.00, but not to its editors who had expected to be given the magazine. They leave in protest.

The STe hard drive problem is fixed. Any existing STe computers should be checked for proper operation with a hard drive and returned for repair or exchange if they fail. Atari does not formally announce this event, as they do not concede to the fact that the problem existed in the first place.

ICD Inc. introduces ADSPEED, a 16 Mhz accelerator board for ST and MEGA computers that features faster operation and 100% compatibility with existing software. \$300.

Gribnif starts sales of NEODESK 3, selling out at Glendale.

TALON is rumored to be considering the purchase of MICHTRON.

The Atari Elite, an organization of Atari owners in Pittsburgh, PA, threatens to sue as many as 33 persons, developers, and publications for allegedly defaming their group in news coverage and commentary about the PACE show in April. Z*NET and editor Ron Kovacs is among them. Elite's commercial software rental library is a major discussion point in allegations of organized or permissive piracy.

OCTOBER 1990:

WAACE holds its third DC ATARIFEST and attracts 2,000 people to a wide display of Atari and third party developers. Sales are in record numbers for attending vendors, and Atari provides similar backing to that of the Glendale show a month earlier. Elie Kenan again attends and meets with developers.

Bob Brodie meets with ELITE members at WAACE to attempt to resolve their concerns and stem their threatened lawsuits. No immediate solution seems at hand as the parties assume a standoff position.

Elie Kenan leaves Atari USA and Canada to return to Atari France. In the single most devastating blow to Atari morale in years, the departure of Kenan is met with disbelief and denial in the Atari community. Details are of course not released, but Kenan left after a meeting with Jack Tramiel immediately upon Kenan's return from Boston, where it is thought that he was choosing a relocation site for Atari. Greg Pratt, formerly in the Atari financial division, is named General Manager of Atari USA.

Jim Fisher, Atari's VP of Advertising and Marketing as well as the official editor for Atari Explorer Magazine, resigns in an decision unrelated to Kenan's departure.

Atari Canada now includes Neodesk 3.0 with every ST or STE sold.

A new color monitor to compliment the STE's stereo sound is released in Canada, tagged the SC1435. The monitor is not a re-structured SC1224 as was first thought but of a completely different design with a larger screen.

Both Fast Technology (Jim Allen) and Gadgets by Small (Dave Small) show 68030 boards INDEPENDENT from one another at WAACE since a splitup this summer. The COMPLETED Gadgets 030 board contained 8 megs of on-board RAM (boosting a Mega 4 to 12 megs of RAM total) as well as a 68882 math co-processor, all running at 18.4 mhz (it can run it up to a max of 33 Mhz). The board has TOS 1.6 on board, with Atari committed to licensing

TOS 1.6 to Gadgets for use in the board. It can run 10.66 times the speed of the standard ST at 16 mhz - using most existing ST software. Price and availability cannot be set until Gadgets get quantity pricing on parts.

NOVEMBER 1990:

Atari Stock trades at prices as low as \$1.75 on the American Exchange. This is down from a peak of nearly \$20, only 18 months ago.

After a five year-long effort the Software Protection Association was pleased to see the passage of a bill that makes software rental (other than non-profit library loans) programs illegal. One hour and a half before Congress recessed to start campaigning for reelection, the so-called "software rental bill" was finally passed. The bill makes it illegal for companies to rent software in a manner that allows users to copy and keep the program then return the original disks and documentation for re-rental.

Computer Shopper Magazine, a 800 page monthly magazine that once covered all computers, drops regular Atari coverage. Amiga, Mac, and IBM remain.

START magazine announces that beginning in December, the Z*NET News Service will be included in every issue. START ONLINE replaces the dormant ANTIC ONLINE on CompuServe, offering reprints of articles and featured software.

A file called "TOS 2" circulates on private bulletin boards. The program provides an early version of the new TT Desktop which will operate on an ST. Atari reminds users both that the file is a STOLEN, PIRATED file that belongs to Atari, and that it is an early version that is known to be incomplete and unstable.

Atari says they will have the TT READY FOR SHIPPING by COMDEX, with retail pricing for the base TT030 (2 meg RAM and a 50 megabyte hard drive) of \$2,995 plus either \$450 for a multiresolution color monitor, or \$999 for the new 19" monochrome monitor.

COMDEX arrives at Las Vegas, and Atari has the biggest booth yet. The MEGA/STe is introduced, featuring the TT look, LAN ports, 16 MHZ, built in hard drive, and the new TT desktop. Availability is planned for January, with new retail prices basing around \$1,700 for 2meg RAM, 40 meg HD. The new monitors are shown, and a Scalable GDOS is demonstrated for imminent release. The TT030 is still shown but not available due to engineering changes that have prevented FCC testing. Most of the crowds pass up the ST line to see the Portfolio. MANY dealers ask to carry it, and some agree to offer the entire line. Eight bundles are announced, offering a variety of software with computers at savings over retail.

MICHTRON is sold to a Newark, Delaware company, who will take over support and sales for the remaining Michtron products. PC-SPEED and AT-SPEED are taken over by TALON, and the HIGHSOFT line is apparently being marketed by GoldLeaf.

MIGRAPH announces a Color Hand Scanner, to be available for the ST line in early 1991. It will require a minimum of 2 meg of RAM, and will benefit by the added speed of the Mega/STe or TT.

DECEMBER 1990:

Atari Corporation reports a third-quarter (ending Sept. 30, 1990) net income of barely over three million dollars on sales of \$89 million, compared to a loss of \$5 million on sales of \$81 million for the same period last year. This year would have been a \$3 million loss except for an offset of a \$6 million gain from Atari repurchasing debentures at a favorable term. Net income per share is \$.05.

Downscaling hits Atari magazines overseas as well as in the USA. ST WORLD (UK) drops its publishing schedule back to QUARTERLY releases.

An Atari emulator for the Amiga computer continues to draw comment and fire as it develops. Purporting to be "public domain", the file "ATARI1" (now in general BBS distribution worldwide) includes illegal copies of TOS and GEM internally. Reports are that the thing actually works, at speeds up to half of that of an Atari, although desk accessories do not work, and many, even most common programs do not operate. Screen appearance is also said to be very poor. Atari's stance continues to be that this file is a violation of Atari's copyrights, and that distribution will not be permitted.

Atari's new MEGA/STe passes the FCC testing as a Type B (Consumer) product, and will begin US distribution as soon as mid-January. This marks the first time in memory that ANY Atari product has been approved for consumer release within 30 days of the first product announcement.

The TT030 machine begins shipping to US dealers as a TYPE A COMMERCIAL USE device. The price for the base unit, a 2 MEG RAM, 50 MEG hard drive device, is still \$2,995. Only VARs (Value Added Resellers) and "qualified dealers" can get the TT, and must send Atari a letter assuring that the machines will not be sold to consumer, residential users.

Antonio Salerno, Vice President - Applications for Atari Corporation, resigns. Salerno had been in charge of efforts to persuade major software companies to bring their well known products to the Atari line, and had less than dramatic success.

James Grunke, technical man for the super group BEACH BOYS, is to leave the band to replace Frank Foster at Atari as the Music Industry Representative and MIDI promoter. James will begin work on January 1, 1991.

Formerly of NEOCEPT, makers of the powerful WORD UP graphic word processor for the Atari, programmer Mike Fulton is hired and begins work in Atari's customer and developer support area. This fuels earlier speculation that Atari may eventually buy and support Word Up as an Atari brand product.

Dennis Hayes, the Cincinnati resident who pleaded guilty in late October to selling more than 5,000 copies of pirates MacIntosh ROMS, many of them to Atari users for MAC emulation, is sentenced to 5 years in prison.

Until December 31, 1990, Atari Canada offers a \$450.00 trade in on any 520 or 1040 towards a new Atari TT. Trade in machines will be refurbished and given to charity or used in an educational program. U.S. customers wishing more information can call (604) 275-7944.

THE FUTURE...

If 1990 was the Year of Atari, what will 1991 be? While there is reason for optimism in the new products and new staff at Atari, users and developers continue to leave the fold for apparently greener fields of MACs and 386 clones. Others are holding the course, hoping for better days ahead within the Atari line.

What will come next for or from Atari? It is clear that the most outside interest is now being generated by the Portfolio and the LYNX. While we ST types may feel left out, it is just as clear by recent events that Atari intends to build and support the ST/TT platform for some years to come... and if that support is funded in part by sales of the MS-DOS style Portfolio and the game consoles, so be it.

New products to come? There is considerable talk about a new 68000 based game machine called the PANTHER. This is NOT expected to be an ST compatible or any derivation of the existing lineup. When? Maybe mid-'91. And what about the Unix-compatible TT with multiple slots? This was known as the TT/X (eXpandable) as compared to the TT/D (Desktop) machine in press information gone by... but has the concept also gone by? A smaller, cheaper version of the LYNX handheld game unit is also still being promised... for SOMETIME. A new remodeled STacy is also rumoured in 1991.

We have no firm predictions to offer for what will or will not eventually come in 1991. But here's hoping that we will all be here a year from now, wondering about '92!

Happy New Year (of Atari) From All Of Us At Z*NET!

Z*NET NEWSWIRE
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CANADIAN GENIE USERS TO PAY MORE (courtesy GENie Online Services)

Effective January 1, 1991, GENie Service for subscribers in Canada will be subject to the 7% GST. Thus, the amount charged to your credit card will reflect the amount of your usage, sales and fees, plus 7%. The GST will be remitted to Revenue Canada by General Electric Canada Inc whose GST registration number is R101979730. HEADLIN2.ARC - NEW VERSION - generates tabloids headlines, now allows headers.

MEGASTE SHIPS

Atari Canada this week started shipping the new Mega STE's to their dealers. Dealers should have them available for retail about the end of next week.

ATARI CANADA DROPS PRICE

New pricing to reflect the new GST Tax will be announced next week by Atari Canada. The new pricing is said to take a minimum of 5% off the end user prices couple that with their recent drop in 1040STE pricing and you have a very, very price competitive system. Atari Canada and it's Canadian Dealers wish everyone the best over the Holiday Season and look forward to serving you in the New Year.

ICD RELEASES UPDATE

Last week ICD released a new version of their Host Adaptor software. This update is available ONLY through the pay services CompuServe and GENie and through ICD directly. Here is a list of the current versions available and included in the 400K file.

COPYFIX	Version 1.5	HDUTIL	Version 3.62
ICDFMT	Version 4.77	ICDBOOT	Version 4.8.7
HDPARK	Version 1.0	ICDTIME	Version 1.5
TIMESET	Version 1.5	COLDBOOT	Version 1.41
CFGCBT	Version 1.10	HDPARTS	Version 1.10
CACHEOFF	Version 1.1a	CACHEON	Version 1.1a
CLDEMO	Version 3.23	IDCHECK	Version 1.54
DESKTOP	Version 2.60	RATEHD	Version 1.57
WHEREIS	Version 1.81	BOOTFIX	Version 1.20
HOST	Version 1.10		

COMPUSERVE NEWS

The State of New York will soon require CompuServe to add sales tax to CompuServe charges. Connect charges, telecommunications surcharges, product surcharges, and items ordered from CompuServe's product ordering area will be taxed. New York members who have filed a sales tax exemption form may mail a copy to: CompuServe Incorporated, Customer Administration, PO Box 20212, Columbus, OH 43220. Please include both your CompuServe User ID number and member name. Sales tax will then be discontinued where appropriate.

Z*NET NEW ZEALAND

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by Jon Clarke

(Editors Note: Thanks for all the assistance this year and best wishes for 1991 for you and your family.)

1990 - The 'Global village' suddenly shrunk.

It was not long ago I first picked up my first Z*Net and started reading about all the great things happening half a world away. Now some three years later it is great to be able to be part of the rapidly moving Atari world.

With the advent of on-line services being able to be accessed from most countries world wide it has brought the Atari community closer together. With services like GENie we had this week people in the weekly RTC from Germany, Japan, Australia, Canada, United States and New Zealand. This brings a true international flavour to us. I must confess it was the first time on any on-line service outside New Zealand and Australia I have had three people from my own time zone.

The amount of quality public domain files available on GENie is second to none. Imagine GENie as the largest PD store in the _world_ and you

would not be wrong. The latest and greatest software gets its airing on here in the files section. Not to be out done by the files area the 'BB' or bulletin Board section, where you get things from heated debates to help with Calamus or help directly from Atari itself. The resource in this area is the best available and outdoes any of the other systems I personally have seen.

Now that GENie has established itself as THE Atari-ONLINE resource world wide it is great to be able to pop on there and ask questions from the developers of sorts of software and interact with them in the RoundTable Conferences. This would not have been possible a few years ago from our part of the world as the Public Data Network did not allow access into these on-line services. Where ever I go whether on a BBS or Usenet or even reading computer magazines I continually see mention to GENie, so if you do not have access onto GENie yet I suggest as a New Years resolution you attempt to gain access.

Another on-line service that has been a backbone to international users is Compuserve. For some five years now people in the pacific have been able to pop on and interact with users world wide. Now the good folks at Compuserve have allowed access into Usenet/Internet for messaging it has opened a whole new world to its users who have not been able to access "The NET's". By a whole new world I mean exactly that. You can now drop mail into your local Usenet/Internet/bio-net/aarnet and the likes and if you know the users Compuserve i/d it will pop out in his mailbox in the USA. For instance when you download some public domain software or get a disk that says support is available on Compuserve and authors mail address is 72000,355 all you do is address it to him or her like this 72000.3555@compuserve.com.usa . Your mail is then dropped into their mailbox with your question / compliment / gripe. Compuserve is truly interfacing users world wide.

During 1990 we have seen a flurry of activity from Atari and many of 3rd party developers, which with the help of these on line services and online magazines like Z*Net have been announced worldwide within days of the actual happenings.

Things that spring to my mind are ... The Atari shows in America like the WACE/PACE/Comdex shows. With the availability of digitized pictures from Z*Net I have seen many of the faces places and equipment I would not normally see half a world away. I loved the digitized pictures from the WAACE show where I got to see many of the people you read about here in Z*Net and also in all the Atari paper based magazines.

Other items of note are

- [a] The new willingness of Atari to help its users regardless of what country you reside in. I had an episode recently where we had three different countries and three different Atari companies involved. I had an answer and a result within days of my first query, so I for one was impressed with the speed in which all the people concerned responded. I think this is also borne out in the readiness of Atari companies world wide to get involved with the user groups and computer shows. I was lucky enough to visit two computer shows this year both here in the nether regions of this place we call earth. I was impressed to say the least so keep up the good work people.
- [b] The introduction of the TT after much speculation has proved a great success in countries where it has been released. I must say the announcement I made in Z*Net New Zealand earlier this year sure kept

the "UseNet" 'comp.sys.atari.st' flaming for a month or more. But we can now all see the TT and make our own judgements.

The highlight of my year has to be the availability to the world of Atari users via all the on line services and BBS. This has brought the old saying of a "GLOBAL VILLAGE" well and truly home to me.

To all the readers out there have a safe and happy New Years eve and may 1991 be a year of peace and happiness for you and your families.

SOFTWARE SECURITY DEVICE
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Press Release

Practical Solutions, Inc.
1135 N. Jones Blvd.
Tucson, AZ 85716 Phone: (602) 322-6100 FAX: (602) 322-9271

For Immediate Release

December 1, 1990-Tucson, AZ. Practical Solutions, Inc. announces the development and release of Safekey(TM), an exciting innovation in copy-protection technology. Compatible with all computers using a standard RS232 port, including the Atari ST/STE/TT, Safekey is the first software protection device commercially available to implement an advanced command set, enabling more sophisticated encoding to provide a much higher level of security than ever previously available.

According to company president Mark Sloatman, "Safekey is truly the next generation in copy-protection, and is totally transparent to normal computer operations. It can be plugged in and forgotten by the user."

Each year, millions of dollars in potential software sales are lost because of the unauthorized duplication of copyrighted applications. Copy-protection has long been attempted but is often unreliable for general use. Other hardware "keys" can interfere with the port they are connected to or employ simple logic circuitry that can be easily defeated, while disk-based protection is generally too inconvenient for use by consumers. Safekey provides the convenience of a hardware key in conjunction with the state-of-the-art CMOS microprocessor that allows the adaptability of complex functions, such as math and memory operations, and therein lies the real power. Essentially functioning as a microcomputer, Safekey can be completely customized by Practical Solutions for a particular application. This gives software developers the flexibility to adapt protection for either entire production runs or for each individual package. According to Sloatman, "Safekey's design makes it very difficult to defeat and provides a maximum level of protection."

Because it connects to a standard RS232 port and uses standard RS232 protocol in its communications, Safekey is compatible with any operating system driving an RS232 port. In this way, all communications are handled by the operating system (eliminating the need for specialized drivers), making hardware differences between host systems inconsequential. Its size is unobtrusive, being similar to a null-modem connector, and connects easily to the serial port of the host computer.

Safekey allows other serial devices to connect via its pass-through port, and will not interfere with the user's ability to make backups or a hard drive installation.

Software developers can obtain any of three standard models of Safekey depending on the level of sophistication required. The copy-protection features can then be implemented by designing an application so it will only execute properly with a Safekey connected. A Safekey is then provided with each authorized copy sold. Information or a Developer's Kit may be obtained from Practical Solutions at the address and phone listed above. Depending on the model, Safekey will sell for \$29-\$49. Future versions are planned for Macintosh and NeXT computers.

CALAMUS UPDATE

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MESSAGE From ISD Marketing

Allow me to take this opportunity, on behalf of ISD Marketing, to wish you all the best through the coming holiday season and a very Happy New Year.

Calamus, Version 1.09N

In our last mailing, I mentioned the many revisions, improvements and enhancements that Calamus has undergone since its release 2 years ago. In fact, in the past 22 months we have updated this product no less than 8 times, without cost to you, our valued customers. This is the last update to the 1.09 series, specifically 1.09N, which includes two major enhancements:

Text Raster allows you to define the percentage of black that you choose to use with your text, from 0% (white) to 100% (black) and Dynamic Weight Definition allowing you to define the weight of your text outline in our usual increments creating some very interesting graphical effects with any character.

In addition, once again, the hyphenation algorithms have been improved, as has the overall performance of the software.

Most of you chose to upgrade but some decided to wait for Calamus S and/or SL. Please don't. Your upgrade cost to 1.09N will be applied to your upgrade of Calamus S or SL. There is an upgrade charge of US \$29.95 or \$34.95 CDN. to Calamus 1.09N. If you wish, call or order ONLINE to expedite delivery. You will be charged \$2.00 for the disks.

Vector Graphic Clip Art Libraries

Still available is a selection of over 800 Vector Graphic images for use in Calamus, Clipart Library #1, 2 or 3. To Registered owners only, your cost is US \$49.95 or CDN \$59.95, each 2 disk set contains approximately 250 images. A print-out will not be included.

The Guide to Calamus Desktop Publishing

This book contains over 250 pages of hints, tips and tutorials on Calamus, the Calamus Font Editor and Outline Art. This Guide is available directly from us to Calamus Owners. Again, I personally

recommend this Guide to all our Owners, regardless of their level of expertise. It is truly excellent. Your cost is US \$29.95 or CDN \$34.95.

The current status of Calamus S and SL as of last Friday, is that the product is now in beta testing in Germany. The team that wrote the Guide to Calamus Desktop Publishing has been hired by us to translate and re-write the new German manual. At this point I anticipate the release of the product sometime in early March. Remember, there will be clear upgrade paths. No customer of ours will ever be penalized for owning a previous version of any of our products. We all look forward to the release with great anticipation. A few of the new features of Calamus S include; opening up to 7 documents simultaneously, increments in .00001, 360x rotatable vector graphics, hundreds of user-definable defaults, modular structure to allow easy access to other Calamus products etc.. Look for a new spec sheet with all of the additions in our next mail-out.

Outline Art Contest Winners

Thank you all for participating in the 1st annual Outline Art Contest. Some of the entries that we received were truly impressive. Next years contest will be broken down into categories so more people can win. Congratulations go out to our 4 prize winners. 1st prize to Robert Gillies for his rendition of a Jitney, 2nd prize to Joey Sherman for his offering of The Gunth, 3rd prize to Theresa McMahon for her Horse creations and 4th prize to Dave Webber for his logo design. Again, my congratulations to you all.

Moniterm 19" Monitor

ISD is pleased to announce a one-time special promotion that we have arranged with Moniterm on behalf of our Calamus and DynaCADD Owners.

Between now and January 31, 1991, you can purchase directly from Moniterm Corporation, in Minneapolis, Minnesota, a Viking 2/91 Monitor with a Mega ST Controller Card for US \$995.00, a savings of US \$900.00 off the regular retail price of US \$1,895.00. This 19" monochrome monitor has a resolution of 1280 x 960 and is fully compatible with your Mega ST. Note: One year parts and labor is Moniterm's standard warranty. This product has been successfully utilized by thousands of Mega ST Calamus and DynaCADD users worldwide over the past two years. There is no question that this monitor can increase productivity and ease of application use. At US \$995.00, this special offer from them is difficult to pass up.

For ordering, call Moniterm directly, in the US at 1 (800) 933-5740, from Canada call (612) 933-4151 and ask for Customer Service. Payment is by company check, Mastercard or VISA. Shipping costs are based on F.O.B. Minneapolis or Toronto for Canadian orders.

Compugraphic Fonts

And once again, for a very limited time only, from now until January 31, 1991, all Compugraphic fonts are 30% off. This will be the last time we ever offer a discount of this nature. Give yourself a present this holiday season.

The Calamus Font Editor

Until January 31, 1991 only, allow me to offer you our Font Editor, to our registered Owners only. Create your own fonts and logo's or manipulate ours. Regular retail is US \$99.95. Your cost US \$49.95, CDN \$ 59.95.

Once again, thank you for supporting ISD Marketing and the Calamus family of products. We look forward to sharing a vibrant and exciting future together.

REVOLUTUIONARY CONCEPTS - 1991
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Press Release

IT'S HERE!

Manteca, CA -- Just Released! The REVOLUTION HANDBOOK is now available in paperback. Designed to appeal to two distinct markets, the new REVOLUTION HANDBOOK creatively appeals to potential new computer buyers and the powerful existing base of enthusiastic Atari computer users. The book combines the best aspects of the 16-bit disk-based version released in the second half of 1989. In addition, 7 new informative chapters have been added to assist computer buyers in their efforts to shop for the optimum computer.

Author, Donald A. Thomas, Jr. indicates that the time has come to offer a printed version which can benefit everyone... not just 16-bit Atari computer users. Now it is easier than ever for 8-bit and non-Atari computer users to appreciate the swelling movement designed to improve the public awareness of one of the best computer alternatives available in the U.S. marketplace. The illustrated book was entirely published using the Calamus desktop publishing system and artwork was scanned using the Migraph hand scanner... providing a formal testimonial to the impact of a low-cost, yet powerful computer configuration.

Beyond the offering of a user-friendly guide to computer shopping, the latter portion of the book offers numerous suggestions and ideas that existing Atari users can economically implement to show their endorsement of their favored computer choice. Such ideas specifically address teachers, users' groups, individuals, publications, sysops, celebrities, dealers and more. A helpful index references key words throughout the book to help newcomers learn to understand the terms many of us take for granted.

Noteworthy contributions include a Forward by Robert G. Brodie, Manager of User Group Services of Atari Computer Corporation. D.A. Brumleve, San Jose Computers, Atari Explorer, ISD Marketing, Shareware Connection and Computer Studio also helped by contributing advertisements to help offset initial expenses of producing the book. In addition, the publisher wishes to thank the many patient pre-orders, all of whom helped to make the book possible.

Dedicated to the Atari Computer Users of North America, The REVOLUTION HANDBOOK is one more statement of Artisan Software's commitment to the Atari line of computers. Its use as a multifaceted tool will help to fuel the energetic forces targeted for productive use of the Atari computer.

Look for The REVOLUTION HANDBOOK at better Atari Computer dealers or order a personally signed copy direct from Artisan Software. Send \$14.95 (U.S. funds plus \$1.50 shipping and handling) to Artisan Software, P.O. Box 849, Manteca, California 95336. California, add 6% sales tax. One Dollar of each book sold will be contributed to Atari to purchase Atari computers for schools.

Look for REVOLUTIONARY CONCEPTS, a continuing series of articles in support of The REVOLUTION, distributed through GENie on-line services and picked up by Atari journals and bulletin boards everywhere!

KIDS-91 PROJECT

=====

Compiled by Jon Clarke

From uucp Tue Dec 25 21:46 NZS 1990
>From coma.uio.no!OPRESNO Tue Dec 25 21:46:33 1990 remote from
mercury.gen.nz
Date: Mon, 24 Dec 1990 15:01:26 +0100
X-To: GOLLUM::"stt@kcbbs.gen.nz"
Subject: The KIDS-91 discussion list
To: stt@kcbbs.gen.nz

Dear friend of the KIDS-91 project,

We have set up a Listserv discussion group called "KIDS-91" to serve our global project. It's meant to be a central meeting place for ALL interested persons. This is where we can

- * post announcements of local KIDS-91 activities.
- * exchange experiences, ideas and information.
- * upload student's responses.

TO SUBSCRIBE

You can subscribe to KIDS-91 by sending mail to listserv@vml.nodak.edu (or LISTSERV@NDSUVM1 on BITNET) with the BODY or TEXT of the mail containing the command

SUB KIDS-91 yourfirstname yourlastname

For example:

SUB KIDS-91 Chen Wei

Please be sure to send the command to LISTSERV and NOT to the list. Also note that the command should be in the body of the mail (in other words after the blank line following the headers) and not in the subject.

The LISTSERV will receive a message which would look like this:

Date: ...
From: someuser@somehost
To: listserv@vml.nodak.edu

SUB KIDS-91 Chen Wei

and you will automatically become a member.

See you there,
Odd de Presno
KIDS-91 Project Director

From uucp Tue Dec 25 21:46 NZS 1990
>From coma.uio.no!OPRESNO Tue Dec 25 21:46:36 1990 remote from
mercury.gen.nz
Date: Mon, 24 Dec 1990 15:00:58 +0100
X-To: GOLLUM::"stt@kcbbs.gen.nz"
Subject: Newsletter #4
To: stt@kcbbs.gen.nz

The KIDS-91 Newsletter
A Global Dialog for Children 10-15 Years

Issue number 4, October 26 1990.

IN THIS ISSUE

-
1. The KIDS-91 project
 2. The Newsletter
 3. Progress report
 4. How teachers can participate in KIDS-91
 5. For more information about KIDS-91.

1. KIDS-91

The aim is to get as many children in the age group 10 -15 as possible involved in a GLOBAL dialog continuing until May 12th 1991. We would like their responses to these questions:

- 1) Who am I?
- 2) What do I want to be when I grow up?
- 3) How do I want the world to be better when I grow up?
- 4) What can I do now to make this happen?

We would also like the children to illustrate their future vision, for example in a drawing, a video tape, or something else.

On May 12th, 1991, the children will be invited to "chat" with each other in a global electronic dialog. Exhibitions of selected parts of the responses will be shipped back to the children of the world for them to see and enjoy.

2. THE NEWSLETTER

is an information bulletin for participants, sponsors, teachers, mediators, promoters, and other interested persons.

Suggestions and contributions to the next issue are more than welcome. We hope to port it within 45 days or so. Write the Editor to receive future issues of the newsletter.

Editor: Odd de Presno, Saltrod, Norway.
Online addresses:
Internet: opresno@coma.uio.no

UUCP/EUnet: uunet!coma.uio.no!opresno
S.H.S. BBS: SYSOP (Phone: +47 41 31378)

3. PROGRESS REPORT

KIDS-91 is now available through Internet/BITNET through the list
KIDS-91@VM1.NODAK.EDU and KIDCAFE@VM1.NODAK.EDU (see under "Level 3:
Online - Participative" below". Here are some recent responses in the
data base:

Question #1: Who Am I?

I am Arvind Howarth. I am an eleven-year-old girl. I love dolphins and
hate the killing of them (pollution, tuna nets etc). I like drawing,
reading, swimming and basic outdoor sport. I hope that someone will
save the world, and stop the wars. Wars and the thought of them scare
me. (from London, England)

My name is Lucy and I am 15 years old. I enjoy acting, reading and
playing the saxophone. I am concerned with the welfare of our planet.
I find myself feeling very exasperated when my careers teacher asks the
class what we want to become when we grow up! As if we actually have a
choice! The way the planet is going, there is only one thing left to
work towards, and thats saving ours and many other creatures world!
(from Australia)

Question #2: What Do I Want To Be When I Grow Up?

I would like to go to art school and become an artist. I'm not that
bothered about money, but I would love to have a job that I enjoy and
that I look forward to. (Arvind)

I find myself feeling very exasperated when my careers teacher asks the
class what we want to become when we grow up! As if we actually have a
choice! The way the planet is going, there is only one thing left to
work towards, and thats saving ours and many other creatures world! As
you may have guessed, I am of the opinion that there is only one thing
to grow up for! Our planet! So I intend to become an activist
(hopefully in theatre). (Lucy)

Question #3: How Do I Want The World To Be Better When I Grow Up?

I think everyone should ride a bicycle. No pollution, no petrol, and
you get fit. I also think there should be no wars. Why don't the prime
ministers battle it out themselves? Instead of killing the rest of the
world. But it would be better if no-one had to improve anything. If
everything was satisfactory without modernising. But that's too
idealistic I suppose. (Arvind)

By the time I am an adult, I would like the world to be like one big
peaceful commune, with no seperate countries, no need or abuse of
anything and a loving bond between all things. I think this may take a
little time, so maybe our children will experience such peace! (Lucy)

Question #4: What Can I Do Now To Make This Happen?

I honestly don't think I can do anything (on my own). If everyone did
the right thing - recycling, composting, demonstrating and basically
living contentedly - then there would be no problem. But on my own I
can't help the world. So I'll do my bit and hope everyone does their's.

(Arvind)

If this dream is to become reality, we will have to begin now by treating each other with love and care, and then all things around us! Peace can only be achieved by each person taking the initiative! For my part, I am in the process of starting an action group in the Byron Bay for young caring people. (Lucy)

4. How teachers can participate in KIDS-91

We assume that a copy of the KIDS-91 "Letter to Teachers" and the other material is available. If not, please ask for copies. The guidelines below is just meant to give additional details about how teachers can participate.

Here are the different ways you can choose to participate in KIDS-91 with your class:

- Level 1: Ordinary Mail!
- Level 2: One-Way Electronic Mail
- Level 3: Online - Participative
- Level 4: Online - Full Interactive Communications
- Level 5: Online - Interactive and Planning.

These different levels of teacher involvement have the following meaning:

Level 1: Ordinary Mail!

Have the students respond to the four questions.

Responses to question 1:

Each response should contain the child's name, age and city/place (as the last phrase of the response).

Responses to question number 2-4:

After each child's responses, add his or her name. Like this:
(Alberto Blanco).

Save the responses on computer diskettes (MS-DOS 5.25" or 3.5" or Macintosh) as an ordinary DOS or ASCII text file (text written with Word Perfect is also acceptable). Write the text with left margin 0 and right margin 60.

You may want to let the students enter it themselves as part of the exercise. - If the school does not have computer equipment, perhaps the class could use one owned by a parent or local business for this project.

Sort the student's responses by question, e.g. first all the responses to question number 1, then all responses to question number 2, etc.

On the top of the file, write the teacher(s) names, the class name, the school name and mailing address. Add the electronic address, if any. (Don't forget this, if you want the school to be added to the mailing list for the final exhibition.)

Note: We strongly urge you to send us the responses in electronic form (on diskette). This is the only way that we can be sure to enter the student's names correctly. Also, in this way only can we guarantee that

their responses will end up in the global data base. We may be able to input hand-written responses, but can give no guarantees.

Mail the diskette(s) to:

KIDS-91, c/o SciNet, 131 Bloor Street West, Suite 200,
Box 326, Toronto, Ontario, M5S 1R8, Canada.

The next step is to let the students make the drawings/paintings. Remember to have the students write their name, age and place/school CLEARLY on the front page. If the contribution is selected to be exhibited, then the audience should be able to see the name of the artist.

Challenge them to find more creative ways of 'drawing themselves as adults in their desired future world'. Ref. the "Letter to Teachers" for ideas. Tell them that there is a competition going on with prizes for the most innovative creators.

Mail the Creative Contributions to:

KIDS-91, c/o Odd de Presno, 4815 Saltrod, Norway.

We will add your school to our mailing list for the final exhibition, that we plan to send back to the world after the conclusion of the project's phase 1.

Level 2: Online - One-Way Electronic Mail

Prepare responses to the four questions as above. Here we'll only comment on the differences.

Send the responses as electronic mail to the following electronic address:

jonno@scinet.UUCP
(if it fails, try: opresno@coma.uio.no)

Here are some backup solutions:

- * upload the file to my BBS at +47 41 31378
- * if your network is connected to DASnet, send to [DEZNDP]opresno
- * send a fax to Odd de Presno at +47 41 27111 and ask how to send it.

Remember: tell what electronic mailbox(es) that you are currently using.

Level 3: Online - Participative

Locate a suitable, participating networking system, and access the 'local' KIDS-91 area. Here are some alternatives:

- * SciNet in Canada and USA (upload to items 11-14 in the "KIDS-91" con).
- * Internet/BITNET etc. Upload to KIDS-91@vm1.NoDak.EDU

Join this LISTSERV by sending the command SUB KIDS-91 yourname to LISTSERV@vm1.NoDak.EDU (for example: SUB KIDS-91 Ole Olsen). The command should be in the BODY of the text. Keep the subject blank.

Another list called KIDCAFE is established for dialog between participating children (SUB KIDCAFE yourname).

- * TWICS (Tokyo): use the "KIDS91" conference in PARTicipate.
- * Compuserve: upload to library 10 in the Education Forum.

If you want the children to upload their responses personally, use library 0 (or messages sent to section 0) in the Student's Forum. Children acting on their own should upload their responses to library 15 of the IBM Special Needs Forum. You can also use section 1 (Getting Started) of the HamNet Forum for interactive participation.

- * The "KIDS.91" conference on Pegasus (Australia),
- * The "KIDS-91" folder under "Classroom Projects" in the AGE folder on AppleLink.
- * The "KIDS91" conference on IRIS.
- * The "KIDS91" topic on MetaNet (in Salon).
- * GreenNet (England),
- * The "KIDS.91" conference on The Web (Canada).
- * The "KIDS.91" conference on FredsNaetet (Sweden)
- * The "KIDS.91" conference on PeaceNet/EcoNet (US)
- * The "KIDS91" conference on SHS BBS in Norway (Phone: +47 41 31378)
- * The KIDS-91 area on Merlin BBS (Maryland, USA).

Download other childrens' responses and use them in your classes. You may want your students to upload their responses individual.

Level 4: Online - Full Interactive and Communications

Read and respond to all KIDS-91 topics online. Read and enter responses to the four questions directly. Send private electronic mail to other participants - form 'keypals' relationships with new friends.

Let the students participate in regular online 'chats' with other children. For example, through KIDCAFE with Krystal on SciNet or Kid to Kid in IBMSPECIAL forum on CompuServe. Encourage them to explore the world with new tools.

Regularly download and print out new responses from the global data base on SciNet. Use the information in geography, environmental studies, history, etc.

Encourage and prepare the students to participate in the global electronic "chat" that will take place on May 12, 1991.

Level 5: Online - Interactive and Planning

Access SciNet in Canada (from anywhere), ask to be a member of KIDPLAN, and join the KIDS-91 staff of volunteers to help pull this here thing off.

Send e-mail to jonno@scinet.UUCP about how to get access to SciNet and KIDPLAN.

5. FOR INFORMATION

about KIDS-91 or if you want to help out or participate, contact the editor or one of the following persons:

Nancy Stefanik: MetaNet=stefanik, PeaceNet=nstefanik, AppleLink=x0447,
TCN=tcn145
Jonn Ord/SciNet: jonno@scinet.UUCP

You can also write to:

KIDS-91, c/o SciNet, 131 Bloor Street West, Suite 200,
Box 326, Toronto, Ontario, M5S 1R8, Canada

BELL VERSUS BBS SYSOPS

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Compiled by Jerry Cross

Text downloaded from GENIE ST Roundtable

GTE TAKES ON INDIANA SYSOPS

BBS operators in Indiana complain that GTE is forcing them to accept extra-cost business rates rather than the residential rates they have been paying. Derry Nelson, sysop of the 1149 BBS in Elkhart, Ind., says that the changes were a surprise. The worst part of the surprise seems to be the large jump in monthly rates. A typical BBS would find its monthly bill increased by almost 200 percent.

The new tariff appears to give GTE wide-ranging control over its customers. As an example, the company can limit the length of calls "when in [GTE's] judgement such action is necessary." GTE claims authority to change a BBS to business rates because the service is provided "for use [of] the general public." Additional information is available from the Utility Consumer Counselor at 317/232-2494. The 1149 BBS can be reached at 219/293-1149.

FROM: Mike Marotta
TO: Bbs Users MSG # 130, Apr-7-90 0:31am
SUBJECT: Why Business Rates

These excerpts are from MPSC documents. It is established in regulatory commission administrative law that the PROVIDER files a tariff. For instance, it is a principle of regulatory law that a tariff cannot be effective prior to its filing date. A tariff that allowed this would "jump out" at a regulator who read it. Generally, however, the regulators ACCEPT the filing of the carrier and leave it to competing carriers or clients to file a complaint.

Michigan Bell Telephone Company Tariff MPSC No. 7 was issued on November 21, 1966. Its age alone speaks volumes.

<quote> "Original Sheet 11.

GENERAL REGULATIONS - CLASSIFICATION AND USE OF TELEPHONE SERVICES

A. APPLICATION IS BUSINESS AND RESIDENCE RATES (Formerly Sheet 15)

1. The determination as to whether telephone service is Business or Residence is based on the character of the Use to be made of the service. Service is classified as business service where the use is primarily or substantially of a business, professional, institutional, or otherwise occupational nature. Where the business use, if any, is incidental and where the major use is of a social or domestic nature, service is classified as residence service if installed in a residence.

2. Business rates apply at the following locations, among others:

a. In offices, stores and factories, and in quarters occupied by clubs,

lodges, fraternal societies, schools, colleges, libraries, hospitals and other business establishments.

b. In residence locations where the place of residence is in the immediate proximity to a place of business and it is evident that the telephone in the residence is or will be used for business purposes; and in the residence locations where an extension is located at a place where business rates would apply.

c. In the residence of a practicing physician, dentist, veterinary, surgeon or other medical practitioner who has no service at business rates at another location.

d. In any residence location where there is substantial business use of the service and the customer has no service elsewhere at business rates.

B.1.a.(2). A customer engaged in furnishing services of a secretarial nature may not use Telephone Company facilities to receive messages for one party to be forwarded to another party, unless such forwarding is of a temporary or occasional nature." <end quote>

FROM: Mike Marotta
TO: All Bbs users MSG # 131, Apr-7-90 0:32am
SUBJECT: more on rates - 2

As a result of the "Variety and Spice BBS" incident of March 1990, the MPSC issued a statement. Excepts follow:

<quote>"FORM LETTER FOR COMPUTER BULLETIN BOARDS

If bulletin boards or access to bulletin boards is provided to calling parties at no charge other than that which may be associated with the telephone call, and are not provided in conjunction with a business, a profession, an institution or other occupation, then it would appear that the service should not be classified as a business. If, however, there is a charge associated with any level of access to the bulletin board, whether the charge is rendered to cover costs or produce a profit, then the service would be considered a business or classification as such. This would also apply if any of the previous conditions mentioned were not met." <END QUOTE>

FROM: Mike Marotta
TO: All Users MSG # 134, Apr-7-90 0:25am
SUBJECT: Michigan Bell and You

04/06/1990 This statement was specially prepared by Michigan Bell to explain to the bulletin board user community their position on the question of business rates. The statement was given to me at my request by Michigan Bell's district manager for state government.

-- Mike Marotta.

<quote>"Telephone Service Classifications

Recently the question has arisen whether Michigan Bell is attempting to charge commercial rates to all computer bulletin boards in the state. Michigan Bell has not instituted a "program" to impose a specific class of service on any group of customers, i.e., computer bulletin boards. In fact, the decision on which class of service is required for computer bulletin boards is no different than it is for any other service. In making the decision, Michigan Bell is required to comply with tariffs

approved by the Michigan Public Service Commission, which cover the matter of appropriate classification of telephone service.

The applicable tariffs require Michigan Bell to classify service primarily in accordance with the use that is to be made of the service. The tariffs specify the conditions under which a service is classified, for rate purposes, as business or residence service. For example, service is classified as business where the use is primarily that of a business. In the case of computer bulletin boards, for instance, if there is a charge associated with any level of access to the board, or money is solicited in conjunction with the board, that is considered conducting a business within the meaning of Michigan Bell's tariffs. The service, therefore, would be classified as business and business rates would apply. On the other hand, service that is used primarily for domestic purposes is classified as residence service. Again, using the example of computer bulletin boards, if the board is not associated with a business and no charge is assessed or solicited for access to the board, then service may be classified as residence in accordance with the applicable tariffs." <quote>

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE COMPLAINT OF)	
TEN INDIVIDUALS AGAINST GTE NORTH)	CAUSE NO. 39005
INCORPORATED PERTINENT TO CERTAIN)	
CHARGES FOR TELEPHONE SERVICE)	
RENDERED BY GTE NORTH INCORPORATED)	

BY THE COMMISSION:

James R. Monk, Chairman
Mark W. Cooper, Chief Administrative Law Judge

On June 4, 1990, Randy Wilson, Derald A. Nelson, Clamies J. Lambricht, David A. Reynolds, Thomas Battler, Don Billey, Jeff Jacobs, Jean Ludwig, George Himebaugh, Jr., and Delmar Mineard, Jr. (Complainants") filed a complaint with the Commission pursuant to IC 8-1-2-54 against GTE North Incorporated ("Respondent"). By their complaint, the Complainants state that certain of the provisions of the Respondent's tariffs on file with this Commission are unjustly discriminatory and unreasonable to the Complainants' detriment.

Pursuant to notice duly published as required by law, a Prehearing Conference was held in this Cause on July 27, 1990 at 1:30 P.M., EST, in Room 908, State Office Building, Indianapolis, Indiana. At the Prehearing Conference, the parties informally agreed as to procedural and scheduling matters to be operative in this Cause. However, counsel for the Respondent indicated that it would be subsequently submitting a motion to dismiss herein and the Commission withheld the issuance of the Prehearing Conference Order pending the submission and ruling upon Respondent's Motion to Dismiss.

On August 10, 1990, the Respondent filed its Answer and Motion to Dismiss, which filing appears in the following words and figures, to-wit:

(H.I.)

Based upon the applicable law and the filings of the parties, the Commission now finds as follows:

1. Commission Jurisdiction. The Respondent is a "public utility" within the meaning of the Public Service Commission Act, as amended. IC 8-1-2-54 provides the complaints may be filed against public utilities with the Commission pertinent to the practices and acts of those utilities. The complaint initiating this Cause was filed under the provisions of IC 8-1-2-54 and appears to satisfy the requirements thereof. The Prehearing Conference was conducted pursuant to notice duly published as required by law. IC 8-1-2 et seq. and the Commission's Rules and Regulations of Practice provide the Commission with the authority to appropriately adjudicate and dispose of cases pending before it. Therefore, the Commission has jurisdiction over the parties and subject matter herein.

2. Commission Discussion and Findings. The Complainants allege that certain provisions of Respondent's tariffs are unjustly discriminatory and unreasonable and the Complainants have been caused harm thereby. The Complainants state that they are customers of the Respondent and are engaged in the hobby of operating a Computer Bulletin Board System ("BBS"). The Complainants allege that pursuant to these tariff provisions the Respondent is billing them at a business rate rather than a residential rate which is inappropriate and to their detriment. The Complainants contend that the operation of a BBS is a hobby and not a business venture. The Complainants also contend that applying a business rate to them constitutes a rate change which must be subjected to public hearing prior to the application thereof. Respondent points out that the tariff complained of by the Complainants was approved by the Commission on January 31, 1990 pursuant to IC 8-1-2-42. Respondent also points out there is no dispute between the parties as to whether this is the appropriate tariff under which the Complainant's service should be provided. Complainant cites certain language set forth at Section 6.5 of the tariff which reads, as follows:

The Company shall determine if business or residence rates apply to a customer service.

Respondent goes on to set forth additional language from the tariff which set forth situations under which a business rate is properly applied. Respondent concludes that BBS clearly fits the categories set forth by the tariff under which a business rate applies

Respondent goes on to set forth additional language from the tariff which set forth situations under which a business rate is properly applied. Respondent concludes that BBS clearly fits the categories set forth by the tariff under which a business rate applies and the fact that Complainants allege that BBS is a hobby does not remove it from the categories as defined within the tariff.

Respondent's Motion to Dismiss does not clearly set forth the authority or rule under which the Motion is brought. Therefore, we must first determine the precise character of the Motion that we may know the criteria under which its propriety is to be considered. Although Respondent's filing is denominated as a "Motion to Dismiss", a review of that Motion reveals that it does not clearly fall within the parameters of the familiar request for involuntary dismissal under T.R. 41 or matters properly raised under T.R. 12 (B). It appears that Respondent's filing is most akin to a Motion for Judgment on the Pleadings as provided by T.R. 12(C) or a Motion for Summary Judgment pursuant to

t.R. 56. In any event, a review of T.R. 12(C) directs that a motion brought under that rule in circumstances such as these should be treated as one for summary judgement and be disposed of as provided by T.R. 56. T.R. 56(C) sets forth the standard under which a moving party may prevail on motion for summary judgement. The Rule provides that the judgement sought shall be rendered if there is no genuine issue as to any material fact and that the moving party is entitled to a judgement as a matter of law. This standard appears to be applicable in this situation. A review of the Complaint and Respondent's filing indicates that the parties agree upon the operative facts and that there exist no genuine dispute as to any material fact. The question remaining to the Commission is no then fact sensitive but whether Respondent's tariff provisions which allows the Respondent to bill the Complainants under a business rate constitutes the improper charging of a rate without prior Commission approval and/or whether that tariff provision is unjust and discriminatory. Both of which are conclusions of law for the Commission as contemplated by T.R. 56 (C).

The Complainants allege that the Respondent's application of a business rate to the Complainants constitutes a rate change for which prior Commission approval must be obtained after holding a public hearing. The clear and unambiguous terminology of Respondent's tariff which was approved by this Commission allows the Respondent to determine whether a particular service is appropriately billed under a residence rate or a business rate. Clearly the tariff approved by the Commission authorizes the appropriate rate. The Complainants have not alleged that Respondent acted in a fashion inconsistent with the tariff. Therefore, when information comes to the Respondent that leads it to believe that a particular customer's situation has changed it is authorized under the tariff to impose a rate change consistent with the terms of the tariff. The Respondent's review of circumstances and decision to impose a different rate authorized under the tariff clearly does not constitute a rate change as contemplated by IC 8-1-2-42. Therefore, considering the undisputed facts the Complainants would not be entitled to prevail on this issue.

The Complainants next allege, without specifically stating the reasons therefor, that Respondent's tariff in question is unreasonably discriminatory. This Commission has for many decades been charged with the duty to review utility tariffs under the mandate that utility services should not be discriminator and must serve public interest. A review of the official files of the Commission disclosed the provisions of Respondent's tariff in question are of a standard type and kind for local exchange telephone service. Further, we note that such tariff provisions were reviewed by the Commission's Engineering Division which was properly delegated with the authority to consider the propriety of that tariff and make ultimate approval or rejection thereof. Based upon a review of Respondent's tariff, we find that the tariff provisions are not unreasonable and discriminatory either as written or by their application. Therefore, we find that the Complainants are not entitled to prevail upon this issue as a matter of law.

Based on foregoing, we find that Summary Judgement should be granted in favor of the Respondent and the Complainants request to investigate the acts, practices and rates of the Respondent and for the holding of public hearing on the matter of the imposition of a business rate to the Complainants should be DENIED.

IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION THAT:

1. The Respondent shall be deemed to have prevailed on the matters at issue herein and that Complainants request for an investigation into the acts, practices and rates of the Respondent and the holding of public hearing upon the Respondent's imposition of a business rate upon the Complainants shall be, and hereby DENIED.

2. This Order shall be effective on and after the date of its approval.

NOV 21, 1990

WHERE DOES IT GO FROM HERE?

On January 29th and 31st, a hearing will be held before an administrative law judge concerning the case of the Variety & Spice BBS (Gross Point, MI) and Michigan Bell. In March, Michigan Bell informed the sysop that they would begin charging him business rates for his phone lines because they determined that his charging for access does not qualify him for residential rates.

Several cases of this nature have, or are currently being fought around the country. These files are being circulated to inform those who use or run BBS's of pending legislation in Michigan and Indiana.

For more information, or if you would like to testify before the MPSC on the above date, please contact one of the following sources.

Jerry Cross (voice) 313-736-4544
(bbs) 313-736-3920

Variety & Spice BBS
313-885-8377

or check out one of the many Michigan BBS's that carry the Michigan ECHO message system.

Please send comments or questions to

G.Cross (Genie)
JERRYCROSS (DELPHI)
75046,467 (CompuServe)

Thanks for your support!

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